

REMARKS

I. Status of Claims

Claims 23-45, 57-59, and 61-73 have been cancelled without prejudice in response to the restriction requirement.

Claims 1 to 22, 46-56 and 60 are pending, with claims 1, 2, 4, 5, 11, and 47-55 withdrawn as not reading on the elected species.

Applicant respectfully submits that no new matter has been added by virtue of this amendment.

II. Restriction Requirement

In the Office Action, the Examiner indicated that a restriction to one of the following groups is required:

Group I: Claims 1-22, 46-56 and 60, drawn to a method of identifying a drug, classified in class 424, subclass 10.4;

Group II: Claims 23-27 and 57, drawn to a container, classified in class 53, subclass 52;

Group III: Claims 28-45 and 58, drawn to a package or kit, classified in class 53, subclass 50; or

Group IV: Claims 61-73, drawn to a business plan, classified in class 434, subclass 107.

In response, Applicants elect, without traverse, Group I, claims 1-22, 46-56 and 60, drawn to a method of identifying a drug, classified in class 424, subclass 10.4.

III. Species Selection

In the Office Action, the Examiner stated that if Group I is selected, Applicant is required to make a selection of the following species:

- a. the species of claims 1, 2, 48-55 drawn to a method of detecting a scent on a pharmaceutical;
- b. the species of claims 3, 6-10, 13-22, 46, and 56 drawn to a method of imparting a scent on a pharmaceutical product;
- c. the species of claims 4, 5, and 47 drawn to a method of identifying a pharmaceutical product by varying a scent or scent profile; or
- d. the species of claims 11 and 12 drawn to a method of analyzing whether a product is counterfeit.

The Examiner further stated that “if the species b. is selected, a selection must be made in claim 10 for the where the scent is being imparted (pharmaceutical product, container, packaging or a combination).

In response, Applicant elects, without traverse, species b.-- the species of claims 3, 6-10, 13-22, 46, and 56 drawn to a method of imparting a scent on a pharmaceutical product.

With regard to claim 10, Applicant elects, without traverse, the species of imparting a scent on a pharmaceutical product.

Applicant submits that claims 3, 6-10, 13-15, 46, 56 and 60 read on the elected invention.

CONCLUSION

An early and favorable action on the merits is earnestly requested.

Respectfully submitted,
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